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November 5, 2020

Ms. Jocelyn Boyd
Chief Clerk and Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia SC 29210

**Re: Application of Palmetto Telephone Communications, LLC to Expand Designation
as an Eligible Telecommunications Carrier (Lifeline Only) to Include St. George
Exchange
Docket No. 2020-208-C**

Dear Ms. Boyd:

Enclosed for filing on behalf of Palmetto Telephone Communications, LLC, please find a proposed order in the above-referenced matter. Counsel for the Office of Regulatory Staff has reviewed the proposed order and ORS has no proposed changes.

If you have any questions or need anything further, please contact me.

Sincerely,

BURR & FORMAN, LLP



Margaret M. Fox

MMF:khh

Enclosure: as stated

cc: David Butler (david.butler@psc.sc.gov)
C. Lessie Hammonds, Esq. (lhammonds@ors.sc.gov)

BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-208-C – ORDER NO. 2020-_____
NOVEMBER __, 2020

Application of Palmetto Telephone)	ORDER EXPANDING DESIGNATION
Communications, LLC to Expand)	OF PALMETTO TELEPHONE
Designation as an Eligible)	COMMUNICATIONS, LLC AS AN
Telecommunications Carrier)	ELIGIBLE TELECOMMUNICATIONS
(Lifeline Only) to Include)	CARRIER FOR THE PROVISION OF
St. George Exchange)	LIFELINE SERVICE
_____)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”), pursuant to Section 214(e)(2)¹ of the Communications Act of 1934, as amended (the “Act”), upon the above captioned Application of Palmetto Telephone Communications, LLC (“Palmetto” or “the Company”) to Expand Designation as an Eligible Telecommunications Carrier (“ETC”) to include the St. George exchange (the “Designated Service Area”). Palmetto is seeking only low income (Lifeline) support, and is not requesting high cost support. Palmetto previously was designated as an ETC within the Walterboro and Yemassee exchanges for these purposes. *See* Order No. 2012-739.

For the reasons explained in this Order, the Commission has concluded that the Application should be approved and that designation of Palmetto as an ETC in the St.

¹ 47 U.S.C. § 214(e)(2).

George exchange for purposed of receiving federal Lifeline support on the terms described in this Order would serve the public interest.

Background

The present proposal to designate Palmetto as an ETC in the St. George exchange is presented to the Commission on the Application and verified testimony of Jason J. Dandridge on behalf of Palmetto. The Applicant in this matter was represented by M. John Bowen, Jr., Esquire, and Margaret M. Fox, Esquire. The Office of Regulatory Staff (“ORS”) was represented by C. Lessie Hammonds, Esquire.

As directed by the Commission, notice of the filing of the Application was published and proof of publication provided to the Commission on September 28, 2020. No Petitions to Intervene were filed in this matter. ORS is a party pursuant to statute.

On October 21, 2020, Palmetto filed a Motion for Expedited Review, requesting that the Commission grant expedited consideration of the Application, and approve the Application. Palmetto represented in its Motion that its counsel had consulted with counsel for ORS, and that ORS had no objection to the Motion. Having considered the record before it, the Commission finds that the record is sufficient to make a final determination in this matter and that the interests of judicial economy are served by waiving the hearing and granting expedited review. We note that all interested parties have had an opportunity to intervene and to be heard in this matter.

Analysis

Section 214(e)(2) gives States the primary responsibility for granting ETC status.² This section of the Act provides further: “Upon request and consistent with the public

² 47 U.S.C. § 214(e)(2).

interest, convenience, and necessity, the State commission ... shall, [in the case of areas not served by a rural telephone company], designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements [set forth in Section 214(e)(1) for the ETC designated area].”³ Upon designation as an ETC, the carrier shall be eligible to receive universal service support in accordance with Section 254 of the Act.⁴

The ILEC that serves the St. George exchange is BellSouth Telecommunications, LLC d/b/a AT&T South Carolina (“AT&T”). AT&T is not a rural telephone company⁵ and, therefore, the St. George exchange is not an area served by a rural telephone company.

Section 103-690 of the S.C. Code Ann. Regs. provides that the Commission will fulfill its responsibility to designate common carriers as ETCs and establishes the requirements that an applicant must meet in order to be designated an ETC.

We previously found that Palmetto satisfies all the relevant requirements for designation as an ETC specified in Sections 254 and 214 of the Act and Section 103-690 of the S.C. Code Ann. Regs., and that it was in the public interest to grant Palmetto ETC designation in the Walterboro and Yemassee exchanges for the purpose of receiving federal low-income (Lifeline) universal service support. *See* Order No. 2012-739 at pp. 3, 5. We now find that Palmetto satisfies these requirements and it is in the public interest to expand Palmetto’s ETC designation to include the St. George exchange.

³

Id.

⁴

47 U.S.C. § 214(e)(1).

⁵

See 47 U.S.C. § 153(37) (definition of rural telephone company).

As demonstrated in the Application and testimony, Palmetto satisfies all the relevant requirements for designation as an ETC. Palmetto is (i) a common carrier as defined in the Act.⁶ Palmetto offers the supported services, *i.e.*, voice telephony and broadband services,⁷ using either its own facilities or a combination of its own facilities and resale of another carrier's services.⁸

Palmetto has committed that, upon designation as an ETC, the Company will participate in, and offer, Lifeline service to qualifying low-income consumers and will publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for those services, as required by FCC Rules.⁹ Palmetto will advertise the availability of and charges for Lifeline service in the Designated Service Area using media of general distribution, as required by FCC Rules.

Likewise, Palmetto has committed to meeting the requirements of Commission Reg. 103-690. Palmetto commits to offer its services to customers making reasonable requests for such in accordance with the process set forth in Commission regulations.¹⁰ Palmetto included with its Application its Advertising and Outreach Plan for Lifeline Service.¹¹ Palmetto has demonstrated its ability to remain functional in emergency situations,¹² and will satisfy applicable consumer protection and quality standards.¹³ As a telephone utility regulated by the Commission, Palmetto is subject to and complies with

⁶ See 47 U.S.C. § 153(10).

⁷ 47 C.F.R. § 54.101(a).

⁸ See 47 U.S.C. § 214(e)(1)(A).

⁹ See 47 C.F.R. §§ 54.401-54.410; 54.405(b).

¹⁰ See R. 103-690(C)(a)(1)(A)(1)-(2).

¹¹ *Id.* The Commission's rule also references the Link Up program. The FCC eliminated support for Link Up services on non-Tribal lands for all ETCs, effective April 2, 2012. See Report and Order and Further Notice of Proposed Rulemaking, *In the Matter of Lifeline and Link Up Reform and Modernization*, FCC 12-11, WC Docket No. 11-42, (rel. February 6, 2012) ("*Lifeline Reform Order*").

¹² See R. 103-690(C)(a)(2).

¹³ See R. 103-690(C)(a)(3).

all Commission regulations governing consumer protection and service quality standards.¹⁴

As demonstrated in its local tariff on file with the Commission, Palmetto meets the Commission's requirement that an ETC applicant demonstrate that it offers a local usage plan comparable to the one offered by the ILEC in the service areas for which it seeks designation.¹⁵ The Commission also requires ETC applicants to certify by affidavit signed by an officer of the company that:

(a) the carrier acknowledges that the Federal Communications Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area;¹⁶

(b) that the company offers or will offer the supported services by using its own facilities or a combination of its own facilities and resale of another carrier's services;¹⁷ and

(c) that the company does or will advertise in a media of general distribution the availability of such services, including lifeline services and the applicable charges.¹⁸

Palmetto has satisfied this requirement by filing the Affidavit of Jason J. Dandridge, President of Palmetto, making these certifications. *See* Exhibit 3 to Application.

Granting Palmetto's Application for designation as an ETC in the St. George exchange is consistent with the public interest, convenience, and necessity.¹⁹ Palmetto

¹⁴ See generally R. 103-600 *et seq.*

¹⁵ R. 103-690(C)(a)(4).

¹⁶ R. 103-690(C)(a)(5).

¹⁷ R. 103-690(C)(a)(6).

¹⁸ R. 103-690(C)(a)(7).

has requested designation and has limited its request for federal universal service support to the federal USF low-income support (Lifeline) program. Palmetto certifies that all low-income USF support it receives will be used to provide a credit to its Lifeline eligible customers, consistent with 47 C.F.R. § 54.403.

Considering all factors, the Commission determines that it is in the public interest that the Commission grant an expansion of Palmetto's ETC designation to include the St. George exchange for the purpose of receiving federal low-income (Lifeline) universal service support.

IT IS THEREFORE ORDERED THAT:

1. The testimony is accepted into the record without objection.
2. The Applicant's Motion for Expedited Review is granted.
3. Palmetto Telephone Communications, LLC is hereby designated as an ETC in the St. George exchange for the purpose of receiving federal low-income (Lifeline) support as requested in the Application.

BY ORDER OF THE COMMISSION:

Justin T. Williams, Chairman
Public Service Commission of
South Carolina

(SEAL)

¹⁹ See 47 U.S.C. 214(e)(2).